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Mr. Hemsted's Proposals, February, 1913.

On August 1st, 1912, Mr. R. W. Hemsted was placed in charge of the Masai Reserve. In February, 1913, he submitted a scheme for the administration of the Reserve. This memorandum dealt with the following points:—

STATIONS AND SUB-STATIONS.—The Masai being a tribe of nomadic habits, scattered over a wide area, and concentrated in no particular localities, he considered that effective administration could not be carried on by officers remaining at fixed stations. Constant travelling was necessary, and he advocated the establishment of one central station only, with four or five outposts at each of which a small house could be erected for the visiting officer, with a few huts for his staff. The central station would be situated near the Uaso Nyiro, or on the River Narosura, and would be the headquarters of the officer in charge. In this way, economy and mobility would be combined with efficiency. He suggested the erection of outposts in the Ol-Orokuti near the Anglo-German border, in the Lemek Valley or on the Upper Mara, at Il Melili, at Ngong, and among the Laitokitok, or in the Magadi Railway zone.

STAFF would consist of an officer in charge, a Senior District Commissioner, four Assistant District Commissioners, one Police and one Veterinary officer.

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NATIVE ADMINISTRATION.—The tribal system of the Masai rendered direct administration of the clans through their own chiefs particularly suitable. The paramount chief was recognised by the whole tribe, but had tended, under British protection, to deteriorate into a mere figure-head. His duties could be considerably extended. Legalishu, Ngaroya, Masikondi, and Toroni drew pay from the Government, but these men, though intelligent, were conservative and lacking in energy. A few young and energetic men could be included in the ranks of the official headmen, whose numbers should be increased, and Mr. Hemsted suggested the following appointments as sufficient for the needs of the tribe:—

For the Purko clan		1 chief and 3 headmen.
"	Kaputiei ..	1 chief and 3 headmen.
	L'Odo Kilani ..	
	Matapatu ..	
	Sighirari ..	
"	Loita	1 chief and 1 headman.
	Salei	
"	Kakonyukye	1 chief or headman.
"	Siria	1 chief or headman.
"	Il Dala Lekutuk ..	1 chief or headman.
"	Il Damat	1 chief or headman.
"	Laitokitok	1 chief or headman.

—a total of 15 chiefs and headmen, in addition to the paramount chief, for the supervision of some 27,500 Masai and 13,500 square miles of territory.

The clan divisions mentioned above were, in fact, geographical divisions, overlapping in certain cases, but Mr. Hemsted proposed the demarcation of each division and the restriction of the clans to the use of the areas allotted to them, which would be termed locations. The Masai were, he said, agreeable to such an arrangement, realising that any trouble which might arise could thus be localised.

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TAXATION.—While agreeing that the present form of hut tax was unsatisfactory, and inadequate in the case of the Masai, he considered that the difficulties of assessment, the dissatisfaction that might be created, and the probable consequent fluctuations in the revenue were serious objections to the imposition of a cattle tax. He therefore suggested a poll tax of Rs. 15 per head per annum, together with a compulsory subscription of Rs. 15 per head per annum towards a fund for development of, and improvements in the reserve. A revenue of Rs. 90,000 or Rs. 100,000 would thus be assured, and it was difficult to justify a higher tax. In the alternative, he suggested a tax of one to one-and-a-half per cent. on all cattle, irrespective of age or sex.

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tion of trading centres, for the construction of a road from Ngong to Kedong and for other similar undertakings.

Expenditure controlled.

In April, 1917, the Acting Governor took into consideration the propriety of arranging for this account to be administered in closer accordance with correct financial procedure, and he referred the matter to the Secretary of State in a despatch, dated September 17th, 1917. An examination of the account showed that the last contribution that had been made by the Masai had been in March, 1916. Such contributions had been given mainly for the purpose of improving the water supply in the reserve, and ceased on the completion of the dams. Mr. Bowring considered that any contributions which might be forthcoming in the future should be placed to the credit of the account. As regards the moneys

Rents.

accruing from the rent and auction of trade plots, he was inclined to think that these should be credited to general revenue, as was done in the case of other native districts, rather than to a suspense account. Though it was true that, in the case of the Masai, the land which they occupied had been formally handed over to them by agreement, rendering the consent of the tribal representatives necessary before alienation, still it might be argued that the land in other native districts was equally the heritage of the tribes, though no such solemn dedication had been made, and he was uncertain whether the difference in the conditions of land tenure in the Masai Reserve was sufficiently great to warrant such a distinction in dealing with the receipts derived from alienated areas. Under any circumstances, he thought that it would be preferable if revenue accruing from the above three sources were to be included in the annual estimates of the Protectorate, and if the estimated expenditure from the funds thus available were also to be shown.

Collective fines.

In regard to the application of the proceeds of fines to the suspense account, Mr. Bowring did not consider that the tribe so punished should benefit from the money collected unless in exceptional cases, and he thought that even then the sanction of the Secretary of State should be obtained in each instance. He could not regard the principle as a sound one for the reason that an officer might be tempted to recommend unnecessarily heavy imposts, if he were aware that the proceeds of any fines which might be imposed would be available for improvements in his district, and would thus benefit directly the individuals or sections punished. Moreover, the fact that this system was in force in the case of the Masai alone was liable to give rise to the feeling that that tribe had been granted preferential treatment. He therefore proposed that in future, the proceeds of fines should not be credited to the suspense account unless, in each instance, the approval of the Secretary of State had been first obtained.

Secretary of State's decision.

In his reply, dated the 10th of January, 1918, the Secretary of State ruled that the amounts then standing in the account should remain credited to it. He considered that sums derived from contributions from the Masai, and rent and auction of trade plots should be placed to the credit of the account, but that the proceeds of fines should be paid into general revenue. He did not think it necessary for the receipts and payments under the account to be included in the annual estimates of the Protectorate, but he asked that an annual statement of such transactions should be included in the Treasurer's financial report on each year.

Abstract.

An abstract of the receipts and payments under the Masai Suspense Account is to be found in Appendix S. 7/8

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SECTION 8.—TAXATION.

Mr. Lane, 30th June, 1911—Mr. McClellan, 4th April, 1912—Mr. Ainsworth, 16th April, 1912—Mr. Tate, 9th May, 1912—Mr. Hollis, 19th July, 1912—Mr. Hemsted, 20th February, 1913—Mr. Ainsworth, 20th March, 1913—Mr. McClellan, 16th April, 1913—Mr. Hobley, 13th May, 1913—Sir Henry Belfield, 30th October, 1913—The Secretary of State, 3rd December, 1913—Sir Henry Belfield, 9th March, 1914—Sir Henry Belfield, 20th July, 1914—Mr. Ainsworth, 29th April, 1915—Mr. Bowring, 6th May, 1915—Chief Justice Hamilton, 9th May, 1915—Sir Henry Belfield, 18th May, 1915—The Secretary of State, 10th August, 1915—Mr. Hemsted, 3rd July, 1916—Reconsideration—The Postponement of the Introduction of the Tax.

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Hut tax at the rate of Rs. 3 per hut was first levied on the Masai, in common with other natives resident in Naivasha Province, in the year 1903-04, by Proclamation in the "Official Gazette" dated the 31st of August, 1903.

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In his reply, dated the 3rd of December, 1913, the Secretary of State observed that in his opinion the time had not yet arrived when it was either necessary or desirable to impose a cattle tax on the Masai which might be thought by them to be the object or a consequence of the Masai move. The Secretary of State, 3rd December, 1913.

In a despatch to the Secretary of State, dated the 9th of March, 1914, the Governor remarked that a review of the present system of native taxation would no doubt be necessary in the near future, but he considered that this was not a matter of urgency and might preferably be held over until the reorganization of native administration had been effected. The Secretary of State agreed that the question might well be deferred. Sir Henry Belfield, 9th March, 1914.

On the 29th of July, 1914, Sir Henry Belfield wrote that he considered the time had come when a tax should be imposed on the cattle belonging to the pastoral tribes on the ground that the precautions taken by Government to prevent the spread of disease had enabled them to largely increase the number of their herds. He desired that the incidence of taxation should be such as to encourage agricultural industry and discourage pastoral proclivities. He therefore appointed a Committee, consisting of Messrs. Ainsworth (Chairman), McClellan, R. W. Hemsted and Northcote, to consider the subject. Owing, however, to the outbreak of war, the sittings of this Committee were delayed and were in fact never held. Sir Henry Belfield, 29th July, 1914.

Mr. Ainsworth considered the question in December, 1914, and the first three months of 1915, and submitted a report on the general question of native taxation on the 29th of April, 1915. In that part of his report which dealt with the Masai Reserve, he remarked that the Masai in the Masai Reserve presented, as regards assessment and taxation, a totally different problem from that encountered in considering the case among agricultural tribes in the Protectorate. The Masai were pastoralists, whose mode of life, customs and requirements differed from those of agricultural natives. They required much more land than agriculturists, and had many fewer inhabitants to the square mile. Mr. Ainsworth, 29th April, 1915.

Statistics of the Masai Reserve estimated the population at 32,000 souls, the number of horned stock at 550,000 head, and of sheep and goats at 2,500,000 head, while the area of the reserve was approximately 9,000,000 acres. The annual taxes paid by the Masai amounted to Rs. 30,000 only. Mr. Ainsworth quoted, in comparison, the case of three agricultural districts, whose total area was 2,168,000 acres, whose population was 669,805 souls, and which paid Rs. 692,751 in hut and poll tax. [161] [231] [65] [131]

The capitalised value of Masai stock was so large as to make the natives worth about Rs. 937 per man, woman and child, and, supposing that this capital account turned over but 5 per cent. per annum, the annual earnings of the tribe would be worth Rs. 47 per head. The total personal wants were very small, while they paid less than one rupee each in annual taxes. It was therefore evident that the Masai did not contribute their fair share to the Protectorate revenue, and that some readjustment was necessary in their case. [434]

In regard to the manner in which the Masai should be taxed, Mr. Ainsworth observed that their nomadic habits and mode of building huts rendered the method of collecting revenue under a hut assessment a far more difficult matter than it was in the case of agricultural tribes. He also considered that any system of poll tax on able-bodied males would be equally unsatisfactory. He therefore proposed a scheme which had been put forward by Mr. Hemsted and which he outlined as follows :—

In order to find out the approximate taxable value of the Masai, the tax should be worked out on a percentage, based on the assessed unimproved value of the land. The amount due would be collected in the form of a cattle tax (ignoring sheep and goats). The acreage of the reserve being nine million acres, the unimproved value being assumed to be Rs. 3 per acre, a tax of 1 per cent. on the unimproved value would produce a revenue of Rs. 270,000. This amount would be divided amongst the total number of cattle estimated, and would amount to 54 cents. per head on half a million head of cattle. Mr. Ainsworth considered that there would be considerable difficulty in counting the cattle, and suggested

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that assessment should take place every three years, instead of annually. He enquired whether it was to be definitely laid down that the reserve consisted of 9,000,000 acres, and whether Rs. 3 per acre was reasonable as the average unimproved value of the land.

If any unsurmountable objections were foreseen to the introduction of a native cattle tax or property tax, a graduated hut or poll tax might be applied, based on a system of a tax on the unimproved value of land, the tax so due to be spread over the huts or polls, with a proviso for a maximum tax per hut or poll.

Mr. Bowring, 6th May, 1918.

As the whole position of the Masai, whose reserve bordered on German East Africa for a distance of 230 miles, would have to be reconsidered at the end of the war, Mr. Bowring recommended that this tribe be left out of account for the present, but he saw no objection to discussing the form which such additional taxation would eventually take. On general principles, he favoured the idea of a special tax on cattle or other moveable property, but saw no necessity for introducing anything in the form of an unimproved land value tax. The only really satisfactory way of taxing the Masai was to tax their cattle, and he believed that the difficulty of counting their stock would be overcome. The system of a land value tax would mean that, the greater the number of the cattle, the smaller would be the incidence of the tax. He recommended that the principle of a stock tax at so much per head of horned stock and sheep be adopted for the Masai.

Chief Justice Hamilton, 9th May, 1918.

Chief Justice (now Sir Robert) Hamilton represented that the boundaries of the reserve would, in all probability, require rectification and alteration from time to time, and that this would alter the incidence of the tax, and would be a disturbing factor in a matter which should be as simple and as little open to disturbance as possible.

Sir Henry Belfield, 10th May, 1918.

Sir Henry Belfield was convinced that the proper method of dealing with the Masai was by imposing a tax on stock, and did not view with favour the suggestion of a land tax, which would probably be uncertain, and possibly oppressive, in its incidence, and which would not be understood by the natives. A stock tax would be quite within their comprehension, and would not, he thought, be seriously opposed by the Masai if it were made clear that it was collected in return for the benefits which administration had conferred on them, their land, and their stock.

He therefore recommended to the Secretary of State the imposition of such a tax on the Masai for consideration when the condition of the people had been adjusted at the end of the war, on the grounds that they paid little or nothing in return for what was being done for them, and that the time was at hand when the differentiation which had hitherto existed in the treatment meted out to them and to the other tribes should be reduced to comparative uniformity. The tax could be fixed without much difficulty upon the basis of a triennial count of stock.

The Secretary of State, 16th August, 1918.

The Secretary of State concurred in the view that the Masai should be left out of account for the present as regards additional taxation, and was disposed to agree that the imposition of a stock tax would be the best way of dealing with the tribe. The matter could, however, be considered further after the conclusion of the war.

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By Proclamation in the "Official Gazette" of April 8th, 1916, hut and poll tax in the Naivasha Province was increased to Rs. 5, except in the case of certain areas. Inadvertently, the Masai Reserve was not originally excluded, but, though it was admitted that the Masai could easily afford to pay the enhanced rate, it was decided that, until the general question had been considered, tax in the reserve should be collected at the rate of Rs. 3 as formerly. A Proclamation to this effect was signed on the 24th of July, 1916.

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Mr. Hemsted, 3rd July, 1916.

On the 3rd of July, 1916, Mr. Hemsted submitted a memorandum containing his proposals for the taxation of the Masai. In this memorandum he represented that the Masai Reserve was already stocked to its fullest capacity, and that, without the aid of improvements in the water supply, etc., no further appreciable

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essential problem before the Government at the present time in dealing with the Masai is how to turn this annual increase into a realizable asset. The proposals for imposing upon the Masai a tax of two rupees per head of cattle per annum, approved by the Governor in January, 1918, fell through mainly owing to the impossibility of procuring a market for the quantities of almost worthless stock that would have been produced in payment, and it is difficult to see how this objection is to be overcome unless some much more marketable commodity is produced. Purchase by local residents and firms of the kind of Masai stock that would come in as a result of the imposition of such a tax would in all probability be very limited in extent, and no business firm has yet come forward with proposals for taking over such stock for canning or export by other means. It has not yet been proved or disproved that such Masai stock is marketable for the purposes of human consumption, but it is a fact that much of the stock from the Masai Reserve produced for slaughter by the military authorities was returned as unsuitable, and while it is extremely improbable that the Masai would be able to pay their tax in cash, it is only reasonable to expect that the worst stock would be paid in in lieu of cash where that was unobtainable.

Taxation.

Problem of taxation.

The problem, therefore, appears to be as follows. If the necessary staff is provided, a tax can be collected from the Masai at the rate approved which will bring in stock assessed at £100,000 annually. Of the money realized, £50,000 is to be devoted to works in the Masai Reserve which will so improve the conditions therein as will not only render it capable of maintaining a larger number of stock, but will also so alter the conditions as to make it probable that a higher grade of cattle could be supported in the reserve. When this last step has become effective, it may reasonably be assumed that a market will be forthcoming for the cattle paid in as a tax, but it is not yet proved that it will be possible to realize the value of the stock collected in the earlier years. A trial alone can demonstrate this.

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Masai as an asset to the Protectorate.

Enough may now have been said on the subject of the potentialities of the reserve, but it must also be borne in mind that, of the proposed cattle tax, one half of the proceeds are to be paid into the general revenue of the Protectorate, and that it is a matter of concern not only to the reserve, but to the Protectorate as a whole, that the proceeds of the tax should be forthcoming in the shape of a realized asset as soon as opportunity occurs. The Masai have hitherto paid a hut tax at the rate of three rupees per hut, which sum, amounting to less than £3,000 per annum, has not covered the cost of their administration, but the proposed tax will not only cover the cost of the administration of the reserve, but will leave a considerable balance for the general development of the Protectorate, while the needs of the Masai Reserve can be attended to to the fullest extent of which the staff is capable.

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Masai residing in the reserve.

Of the Masai residing within the reserve, the most that can be expected of those who are not tending cattle is that they will help in the performance of the public works which are destined to be undertaken therein. Hitherto they have not been employed on such works, as manual labour does not appeal to them, and it is indeed doubtful if such a change will be brought about in their temperament as to induce them to perform this. That the position may not be hopeless is perhaps suggested by the fact that certain sections of the Somali tribe who had until recently maintained an attitude similar to that adopted by the Masai, commenced manual labour last year, and a corresponding change for the better may still occur among the Masai.

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Future of the Masai.

Conditions have so greatly altered in the Masai Reserve during the last few years that the power of the medicine-men as a class has greatly decreased. The insistence on education for the Masai may further enlighten them, may undermine their conservatism, and may encourage them to discard their prejudices. An organized movement to show the Masai the development that is going on around them and to drive home to them the fact that unless they progress they are bound to disappear in the circumstances attendant on the introduction of civilization may have its effect in eventually bringing them to a conception of their duty. The Masai problem has not yet been tackled, but the prospect of rendering them useful citizens of the Empire is not entirely without hope.

Prior to the meeting, Mr. Hollis visited the Uasin Gishu Native Reserve and several of the adjoining farms and obtained the following information. The Uasin Gishu Masai in this area numbered in all between 1,400 and 1,500 souls, and paid tax on 440 huts. They possessed 15,000 head of cattle and 25,000 sheep and goats. 4,000 head of these cattle were in the habit of grazing on land belonging to Captain Grogan, who received toll in bullocks at the rate of 1 per cent. per annum. There were 30 kraals on Lord Delamere's land, containing 3,000 head of cattle, which were allowed this privilege without payment. The remaining 7,000 or 8,000 cattle were for the most part in the Native Reserve.

Statistics of the Uasin Gishu Masai. G48* 231 [162] [651]

The two reserves occupied by the Uasin Gishu Masai in February, 1911, were separated by a strip of alienated land, and steps were taken to re-acquire parts of adjacent farms belonging to Captain Grogan which would join these two areas and form one native reserve having an area of some 40,000 acres. The Masai were informed that, when this reserve had been allotted to them, they must regard the question of boundaries as definitely settled. They were also given to understand that, in lieu of hut tax, they would be required to pay a cattle tax of R. 1 per head or a stock tax of one beast out of every herd of 100 cattle, sheep or goats.

Further extension of the reserve. G48* 311

In July, 1911, the Provincial Commissioner, Naivasha, reported that dissensions had occurred between Chief Lembere and the hereditary Laibon, Walikondi, leading men in the Masai Reserve. Lembere had been constituted Chief by Mr. (now Sir Frederick) Jackson when he was stationed at Ravine and had acquired a considerable following. Charges of witchcraft had been brought against Walikondi, with the result that he requested permission to move, with the other Masai, from Laikipia into the Southern Masai Reserve. His following expressed a desire to accompany him. It seemed, however, that such a movement would be the cause of friction between the Uasin Gishu and the other Masai, who have little in common, and it was decided to hold the matter over, at any rate until the Masai Move was an accomplished fact.

Dissensions between Lembere and Walikondi. G48* 598 754 791

In May, 1912, the sanction of the Secretary of State was requested to an exchange of land held by Captain Grogan in the Naivasha Province for an area on the Athi Plains. Captain Grogan was willing to exchange 16,638 acres, to be used for an extension of the Uasin Gishu Masai Reserve, for 30,000 acres on the Athi Plains. The Secretary of State approved this arrangement in June, 1912, and the Provincial Commissioner, Naivasha, was instructed to take steps to mark out the extended Uasin Gishu Masai Reserve.

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A description of the Uasin Gishu Masai Native Reserve was accordingly drawn up, and read as follows:—

Uasin Gishu Masai Reserve boundaries. G48* 131

"The reserve is divided into three parts:

"No. 1. Commencing at the point where the Nakuru Eldama Ravine Road crosses the Enarosuro (or Nassour) River the boundary follows the right bank of this river down stream to its junction with the Esageri (or Sageri) River: thence along the left bank of the Esageri River up stream to the point where it is crossed by the Nakuru Eldama Ravine Road; thence along this road in the direction of Eldama Ravine to the point of commencement.

"No. 2. Commencing at the point where the Esageri River is crossed by the Nakuru Eldama Ravine Road the boundary follows that road in the direction of Nakuru to the most northerly corner or portion L.O. 487; thence in south-westerly direction along the western boundary of L.O. 487 to its intersection with the eastern boundary to L.O. 502; thence northerly and westerly along the eastern and northern boundaries of portion L.O. 502 to the Esageri River; thence along the right bank of the Esageri River down stream to the point of commencement.

"No. 3. Commencing at the most westerly corner of portion L.O. No. 486 on the Eldama Ravine Road the boundary follows the western boundaries of L.O. 485, 484, 483, 661 in a north-easterly direction to the most northerly corner of the latter (which is also the western corner of L.O. 662): thence in a south-easterly direction along the southern boundary of L.O 662 to the Molo River;

Appendix 4.

STATISTICS.

(1) Annual Revenue.
(2) Officers.
(3) Rainfall.
(4) Vital Statistics and Native Authority.
  (a) Population.
  (b) Headmen in the Masai Reserve.
  (c) Appointments under the Native Tribunal Rules, 1913.

(1) Annual Revenue.

	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.
...cise, Excise and Internal Revenue:	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Porter and Labour Registration	1.50	20.50	85.50	56.50	206.50	202.50
Game Licences	1,085.00	1,400.00	340.00	955.00	1,717.00	860.00
Explosive, Gun and Ammunition Licences	40.00	78.00	116.50	112.00	146.50	183.00
Liquor Licences	—	—	30.00	110.00	130.00	105.00
Miscellaneous Licences ..	—	45.00	—	47.00	219.50	2.00
Registration of Documents ..	7.00	—	—	139.50	—	90.00
Stamp Duties	1.00	—	—	127.00	267.00	229.50
Native Hut and Poll Tax ..	19,230.00	21,825.00	23,190.00	36,753.00	43,705.00	46,143.00
Non-Native Poll Tax ..	270.00	455.00	935.00	1,235.00	1,735.00	2,140.00
Fines and Forfeitures	869.70	12,277.33	13,239.61	9,671.00	22,788.22	76,206.89
...es of Court or Office:						
Fees of Court	—	27.00	112.50	135.00	675.00	629.00
Market and Cattle Pound Fees	—	7.75	38.00	—	73.25	137.00
Testing and Dipping Fees ..	—	130.40	—	—	2.50	—
Hospital Fees	—	—	—	27.00	—	—
Miscellaneous Fees	—	12.50	—	27.00	12.25	44.25
...ts and Telegraphs:						
Sale of Stamps	—	—	21.42	32.00	4.00	8.00
...ent of Government Property:						
Rent of Land	302.00	90.00	117.00	4.00	—	—
...cellaneous Receipts:						
Sale of Stores	2.00	108.61	198.50	—	31.66	10.91
Commission and Sale of Confiscated Property	1,180.90	1,412.60	292.01	3,629.69	623.50	607.25
Sundry	—	—	0.25	7.00	1.00	—
Miscellaneous Revenue ..	—	—	—	—	575.61	—
Total	22,930.10	37,847.89	47,711.87	53,036.69	71,698.89	127,790.29

7: Hailey G-4 (No date) 1950 FL12 Masai FL12

authority always tended to break down in face of the lawless and independent spirit of the Moran. In 1918 the Headmen numbered 46, of whom 28 were unpaid, and 18 received pay ranging from £6 to £36 a year, the former Paramount having a special pay of £90. Fourteen of the 18 paid Headmen were presidents of the Native Councils, and following the custom adopted in many other parts of Kenya, they were given the courtesy title of Chief.

SUBSEQUENT CHANGES IN THE SYSTEM

In the period that has passed since this system was introduced, there have been changes which have to some measure affected the structure of Masai society. The restraint exercised on cattle raiding has robbed the military organization of its former importance, while the growing value of cattle and sheep has enhanced the position of the wealthier stockholders, who now constitute, together with some men of hereditary prestige, an aristocratic element with an acknowledged leadership in Masai society. In other respects the Masai hold tenaciously to their customary institutions and mode of life, and the Moran in particular retain the tradition of indiscipline (in all but a military sense) and the aversion to labour which characterized them in the past.

The Government has in the interval effected changes also in the system of native administration above referred to, with the view of adjusting it more nearly to the pattern followed in other parts of Kenya. The Central Masai Council and the 14 Native Councils gave place in 1930 to two Local Native Councils, at Narok and Kajiado, which have now been formally constituted under the provisions of the Native Authority Ordinance of 1937. The system of tribunals has also been revised, as will be further explained below.[1] The Headmen have been divided into two grades, Headmen and subheadmen, of whom the former have the courtesy title of Chief. They now derive their powers from the Native Authority Ordinance of 1937.

The 16 Headmen have a pay ranging from 17s. to 70s. a month, and the 28 subheadmen a pay ranging from 10s. to 32s. 50 cents a month. Practically all the Headmen or subheadmen are stockholders, and represent the ruling Age-Grade in each of the different Sections; very few of them are educated or literate and only a few can speak Swahili. The Headmen and subheadmen constitute the executive agency of the District administration and of the Local Native Councils, and they are in addition charged with the collection of the native Poll Tax. That is a task which they are said to discharge with some efficiency, though as will be shown subsequently in dealing with the administration of the Tribunals, there are numerous cases of the evasion of tax. The Chiefs can call on the services of a small number of Tribal Police, recruited and controlled by the District Commissioner. Up to 1943 the Tribal Police were the only force of this nature in the Province, but since that year a unit of the Kenya Police Force has been stationed in the Narok district, largely in view of the prevalence of stock thefts.

THE LOCAL NATIVE COUNCILS

Of the two Local Native Councils, that at Narok has 10 nominated and 23 elected members, and that at Kajiado 10 nominated and 14 elected. There is, however, little difference in practice between the nominated and elected members, since all are in fact selected by the District Commissioner after

[1] Page 173.

7: Hailey G-4 (No date) 1950 FL12 Masai FL12

consultation with Headmen and other representatives of the different Sections. The Kajiado Council has no Headman among its members; six members have some education, and it contains a schoolmaster, an ex-Government clerk, a trader and two well-to-do stockholders. The Narok Council has one Headman among its members, but a smaller proportion of educated men than Kajiado. Though it is said that these two Councils are fairly representative of the majority of the community, the persons who now command influence and authority are to be found rather among the Headmen and subheadmen than in the two Councils.

The two Local Native Councils are, as elsewhere in Kenya, consultative and legislative bodies. As provided in Section 15 of the Native Lands Trust Ordinance 28 of 1938, they are consulted before any action is taken to set apart plots of land for shop sites or similar purposes. They have in addition the function of dealing with the funds available in their two Native Treasuries for expenditure on local services. In this latter capacity, the funds available are shown in the figures on page 178 taken from the estimates of 1949

The deficit of £8,195 was to be met by drawing on accumulated balances. The principal source of Revenue is the Local Rate of 4s. in Kajiado and 5s. in Narok, the latter having been raised in 1948 to 5s. from the previous rate of 4s. per taxpayer. This rate is paid in addition to the Government Poll Tax of 15s. a head, which is somewhat higher than in most of the Provinces of Kenya. The revenue from Landed Property consisted mainly of rents of shop sites in the Reserve.

The expenditure under the head Administration was made up of a number of miscellaneous items, the stipends of Headmen and subheadmen being, as elsewhere, defrayed by the Government and not from the Native Treasuries. There is one Local Native Council school in Narok and one in Kajiado District, the teachers of which are paid from Native Treasury funds, but there are in addition a number of "outschools," which are all boarding schools situated alongside cattle "bomas," where the children live with their relatives and family cattle, and feed themselves. These schools are of a very elementary class. The Masai have up till recently been opposed to the extension of education and have in particular resisted the education of girls, though the latest reports suggest that this resistance is weakening.

There is in each Council a Finance Committee, but it is said that the members cannot understand the estimates and make no contribution to their discussion. In general, the Councils have taken little interest in matters which do not relate directly to their livestock, and the younger men are said to hesitate to express their views in the presence of their elders. In their legislative capacity the Councils have passed, at the instance of the District Commissioners, Resolutions which follow the "model" Resolution regarding soil conservation, the cultivation of land on river banks and the burning of bush, to which reference will be found in the parts of this Chapter dealing with other Provinces.

The two Local Native Councils have joint meetings twice a year at Ngong to consider matters affecting Masai as a whole, and reference will be made subsequently to proposals for giving this conference a more regular position.